

This Court granted Defendants' Motion to Dismiss in a Memorandum and Order filed on May 5, 2012. (Doc. 19.) The basis for the Court's Order of dismissal was Plaintiff's failure to

comply with the 90-day window for filing. The Court's Order did not address the subject-matter jurisdiction argument.

On September 28, 2012, the Fourth Circuit vacated and remanded this Court's dismissal in an unpublished opinion. *Eskridge v. Hickory Springs Mfg. Co.*, 477 F. App'x 139, 140 (4th Cir. 2012).

II. DISCUSSION

“Without jurisdiction [a federal court] cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.” *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94, 118 S. Ct. 1003, 1012, 140 L. Ed. 2d 210 (1998) (citing *Ex parte McCardle*, 7 Wall. 506, 514, 19 L.Ed. 264 (1868)).

Here, the Court lacks subject-matter jurisdiction as to Boring, Fish, and Monero because Plaintiff's claims are based on Title VII and the ADEA. These acts of Congress do not provide liability as to individuals defendants. *Lissau v. S. Food Serv., Inc.*, 159 F.3d 177, 180 (4th Cir. 1998) (The Fourth Circuit holding that, just as the ADEA did not convey individual liability, nor did Title VII, “the closest statutory kin” to the ADEA.)) As such, subject-matter jurisdiction under Title VII or the ADEA does not exist as to Plaintiff's claims against the individual Defendants.

III. CONCLUSION

IT IS, THEREFORE, ORDERED that Defendants' Motion to Dismiss Plaintiff's claims as to individual Defendants CATHERINE FISH, JASON BORING, and NERO MONERO be **GRANTED**.

Signed: April 8, 2014

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

